

# FILE COPY

STATE OF WISCONSIN  
BEFORE THE EXAMINING BOARD OF ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS  
PROFESSIONAL ENGINEERS SECTION

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
DAVID J. BENNETT, P.E.,	:	CASE NO. 89 ENG 021
RESPONDENT.	:	

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The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

David J. Bennett, P.E.  
317 Fordham Rd.  
Vestal, NY 13850

Examining Board of Architects, Professional Engineers,  
Designers and Land Surveyors; Professional Engineers Section  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

## FINDINGS OF FACT

1. David J. Bennett, Respondent herein, 317 Fordham Rd., Vestal, New York 13850, is duly licensed as a professional engineer in the State of Wisconsin, license no. 23697, granted June 7, 1985.

2. David J. Bennett, licensed to practice professional engineering in the state of Iowa, was subject to disciplinary action by the Iowa Engineering and Land Surveying Examining Board by Final Order dated July 19, 1989, wherein Bennett voluntarily surrendered his license to practice professional engineering in Iowa, and further, agreed not to apply for reinstatement before December 31, 1989.

## CONCLUSIONS OF LAW

1. The Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, has jurisdiction in this matter pursuant to Wis. Stats., sec. 443.11.

STATE OF WISCONSIN  
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REC-1175

10 OCT 18 PM 12:06

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

DAVID J. BENNETT, P.E.,  
RESPONDENT.

STIPULATION  
CASE NO. 89 ENG 021

It is hereby stipulated and agreed, by and between David J. Bennett, P.E., Respondent; and Roger R. Hall, Attorney for Complainant, Wisconsin Department of Regulation and Licensing, Division of Enforcement, as follows:

1. The Examining Board of Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction over this matter pursuant to Wis. Stats. sec. 443.11.
2. This Stipulation is entered into as a result of a pending investigation of David J. Bennett's practice as a professional engineer by the Division of Enforcement. Mr. Bennett consents to the resolution of this investigation by Stipulation and without the issuance of a formal disciplinary complaint and hearing.
3. The Respondent understands by signing this Stipulation that he voluntarily and knowingly waives his rights in this matter, including the right to a hearing on the allegations against him, at which time the State has the burden of proving the allegations by clear, satisfactory and convincing evidence, the right to confront and cross-examine the witnesses against him, the right to call witnesses on his own behalf and to compel their attendance by subpoena, the right to testify in his own behalf, the right to file objections to any proposed decision and present briefs or oral arguments to the officials who are to render the final decision, the right to petition for rehearing and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
4. This Stipulation shall be submitted to the Professional Engineers Section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors to form the basis for the Final Decision and Order in this matter.
5. The Final Decision and Order attached to this Stipulation may be made and entered in this matter by the Wisconsin Professional Engineers Section, without prior notice, pleading, appearance or consent of any party. Respondent agrees that in the event the attached Final Decision and Order is made and entered, he will not appeal or seek review of the Final Decision and Order of the Board and hereby expressly waives any right to appeal.
6. In the event any portion of this Stipulation or attached Findings of Fact, Conclusions of Law and Final Decision and Order is not accepted by the Professional Engineers Section, the entire Stipulation and Findings of Fact, Conclusions of Law and Final Decision and Order shall be void and have no effect.

## **NOTICE OF APPEAL INFORMATION**

**(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each, and the identification  
of the party to be named as respondent)**

**The following notice is served on you as part of the final decision:**

### **1. Rehearing.**

**Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Examining Board of Architects, Professional Engineers, Designer And Land Surveyors, Professional Engineers Section.**

**A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.**

### **2. Judicial Review.**

**Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Examining Board of Architects, Professional Engineers, Designer and Land Surveyors, Professional Engineers Section**

**within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.**

**The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers And Land Surveyors, Professional Engineers Section.**

**The date of mailing of this decision is October 28, 1991.**